

# **Definitions**

**ACCESSORY USE:** The use of a building or premises for purposes incidental to a principal use permitted as a right or by special permit and customarily found in connection therewith and located on the same lot as the principal use.

**BUILDING:** An independent structure resting on its foundations and designed for the shelter or housing of persons, animals, chattels or property of any kind.

**DWELLING:** Any structure used in whole or in part for human habitation, exclusive of a trailer or mobile home, however mounted.

**DWELLING – SINGLE FAMILY:** A building or structure containing not more than one (1) dwelling unit intended or designed to be occupied by one (1) family.

**DWELLING – TWO FAMILY:** A building or structure containing two (2) dwelling units intended or designed to be occupied by two (2) families.

**DWELLING – MULTIPLE FAMILY:** A building or structure containing three (3) or more dwelling units intended or designed to be occupied by three (3) or more families.

**DWELLING UNIT:** One (1) or more rooms arranged, intended or designed to be occupied by one (1) family and to provide complete facilities for living, sleeping and eating.

**Expansion:** An increase in the floor area (either net or gross) or site area occupied by an existing building or use; the enlargement or extension of the building or site area occupied by such existing use. Any use or building so increased shall be deemed to be expanded.

**FAMILY:** One (1) or more persons living together in one (1) dwelling unit as a single housekeeping unit, but not including more than four (4) persons living together unrelated by blood or marriage.

**FRONTAGE:** The number of continuous linear feet of a lot which abuts a street.

**HEIGHT OF A BUILDING:** A vertical distance measured from the existing base elevation, at the time of the building permit application, to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. The grade plane is a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point within the area between the building and the lot line or, where a lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building. For the purpose of the Bylaw, the following shall be exempt from height limitations: church spires, chimneys, radio and television antennae, wireless communication link (except as regulated in specific districts in the Zoning Bylaw), flagpoles, water tanks, mechanical equipment, stairwells, and structures which are strictly ornamental in nature.

**LOT:** A single area of land in one (1) ownership defined by metes and bounds or boundary lines in a recorded deed or on a recorded plan.

**LOT AREA:** That land enclosed by the lot lines.

**LOT LINE:** A line which separates one (1) or more lots or a lot and a street.

- (1) Lot Line (front): The lines separating a lot from the right-of-way of a street.
- (2) Lot Line (rear): Any lot line which is not a front or side lot line.
- (3) Lot Line (side): Any line which separates a lot from another lot and which intersects a front lot line or another lot line within thirty (30) degrees of parallel to it, except for a front lot line.

**NONCONFORMING LOT:** A recorded lot which does not conform to the dimensional requirements for the use of a building, structure or land in the district in which it is located, but which lot existed at the time of the adoption of the dimensional requirement with which it does not conform.

**NONCONFORMING USE:** A use of a building, structure or land not permitted by the zoning by-law which use was in existence at the time of the adoption of the by-law provision with which it does not conform.

**Permitted Use:** Any use allowed in a zoning district “by right” in contrast to conditional uses and uses permitted by special exception. Nonetheless, there are numerous requirements which may apply and there is a significant review process involved for most permitted uses in accordance with the requirements of this Bylaws and the Site Plan Regulations and Subdivision Regulations.

**Pre-Existing Nonconforming Lots:** A lot which, when originally created, conformed to any zoning requirements relative to minimum lot area, minimum lot width and frontage, and/or minimum lot depth which were then in effect, but which zoning requirements have since been amended so that said lot would no longer conform in all respects to such new requirements.

**Pre-Existing Nonconforming Structures:** A structure or addition which, when originally constructed, was lawfully in existence or lawfully begun and conformed to any zoning requirements relative to minimum setbacks, maximum floor area ratio or other dimensional and area requirements which were then in effect, but which zoning requirements have since been amended so that such structure or addition would now require a Variance.

**Pre-Existing Nonconforming Use:** A use which, when originally commenced, was lawfully in existence or lawfully begun and was permitted in the Zoning District in which it was located, but since then the Zoning Bylaws has been amended so that such use would now require a Special Permit or would be prohibited and would require a Use Variance.

**Principal Use:** The primary activity that occurs on a lot, i.e. that activity which is the most prominent and visible, engages the most people, and has the most significant impacts. Generally, there is one principal use on any developed property, along with

accessory uses and, occasionally, secondary uses. There may be more than one principal use if all are roughly equivalent in scale and impact, such as gas station and convenience store.

**Prohibited Use:** A use which is not specifically permitted by right, by conditional use, or by special exception.

**Right-Of-Way:** A strip of land used for the location of a street, walkway, or utility line that is separate and distinct from the lots adjoining it.

**SETBACK:** The minimum horizontal distance between a front, side, or rear lot line and any building or structure unless otherwise regulated. In instances where a lot has frontage on more than one street, the front setbacks shall be applicable to each such street.

**STREET:** A public way, or a way shown on a plan approved by the Planning Board under the subdivision control law, or a private way which, in the opinion of the Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic and the installation of municipal services.

**STRUCTURE:** Any combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently or temporarily in or on the ground.

**Site Plan:** A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, easements, natural drainage courses, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

**Site Plan Review:** The review of commercial, industrial or multi-family uses subject to the same procedures and requirements as a subdivision in accordance with the Danvers Town Bylaws.

**Subdivision:** Division of any parcel of land for the purpose of conveyance, transfer of ownership, lease, improvement, building, development or sale, whereby two (2) or more lots, blocks or parcels are created or whereby a new street is required. The term “subdivision” includes re-subdivision. For purposes of this Bylaw, the word “lots” shall also mean units for any project involving condominiums, cooperatives and/or the designations Planned Residential Development or Planned Unit Development.

**Subdivision Regulations:** Town of Danvers Subdivision Regulations.

**USE:** The purpose for which land or a building is designed, occupied or utilized.

**Variance:** The Board’s authorized departure to a minor degree from the terms of this Bylaws in accordance with the terms, conditions and procedures set forth therefore in this Bylaws.